

REMARKS

Claims 12-15 are all of the claims presently pending in the application. Claims 1, 3-11 and 18-27 have been canceled without prejudice or disclaimer. Claims 12-15 have not been amended.

Claims 1, 2, 6 and 7-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Yoshino et al. (U.S. Patent No. 6,677,093; hereinafter "Yoshino"). Claims 1-12, 14 and 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi et al. (U. S. Patent No. 6,130,017; hereinafter "Hayashi") in view of JP 2002-129063 (hereinafter "JP '063") and JP 2000-319021 (hereinafter "JP '021"). Claims 13 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '063 in view of Yaguchi.

These rejections are respectfully traversed below.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to an electrophotographic toner. The toner includes a fixing resin and a colorant. The electrophotographic toner includes a black toner using a titanium oxide having no carbon black as the colorant, (e.g., see Application at page 3, lines 2-21). This combination of features is important for providing a toner paying more attention to environment and safety while also being fixed at a low temperature with increased speed and reduced fixing energy (see Application at page 2, lines 9-25).

II. THE DOUBLE PATENTING REJECTION

The Examiner has rejected claims 12-15 on the ground of nonstatutory double patenting over claims 33-38 of U.S. Patent No. 7,022,448. Applicants submit, however, that claims 33-38 of U.S. Patent No. 7,022,448 do not teach or suggest each and every feature of the claimed invention.

The Examiner alleges that the claimed invention and U.S. Patent No. 7,022,448 each “claim an image-forming system having a charge holding member and an electrophotographic toner [comprising] a black toner using a titanium oxide” (see Office Action dated March 14, 2007 at page 2). The Examiner, however, is clearly incorrect.

That is, while the claimed invention, of exemplary claim 12, clearly recites that “*said electrophotographic toner comprises a black toner using a titanium oxide comprising no carbon black as said colorant*”, this feature is not taught or suggested by claims 33-38 of U.S. Patent No. 7,022,448.

Indeed, claims 33-38 of U.S. Patent No. 7,022,448 merely recite an electrophotographic toner that includes a fixing resin, a colorant and a wax, wherein the wax includes a paraffin wax and a polyethylene wax. Nowhere, however, do claims 33-38 of U.S. Patent No. 7,022,448 teach or suggest that the toner includes a titanium oxide.

Applicants submit that the wax claimed in U.S. Patent No. 7,022,448 is clearly different from a toner including a black toner using a titanium oxide, as recited in the claimed invention.

Furthermore, a purpose of the claimed invention is to obtain a black toner that does not use a carbon black. Accordingly, a feature of the claimed invention is to use a titanium oxide (as recited in claim 12) or a magnetic iron oxide (as recited in claim 14) as a colorant.

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In contrast, claims 33-38 of U.S. Patent No. 7,022,048 do not identify what is used as a colorant. Furthermore, U.S. Patent No. 7,022,048 teaches using a carbon black. Therefore, the claimed invention clearly distinguishes from U.S. Patent No. 7,022,048 by reciting "no carbon black".

Therefore, Applicants submit that claims 33-38 of U.S. Patent No. 7,022,448 do not teach or suggest the same invention as that recited in the claimed invention of the Application. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. CONCLUSION

In view of the foregoing, Applicants submit that claims 12-15, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.


Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to
credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,



Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254